

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Samuel J. Bourne

v.

Civil No. 05-cv-365-JD

Town of Madison, et al.

PROCEDURAL ORDER

In the procedural order issued on May 3, 2007, the court recognized that the outcome of the consolidated state action in the Carroll County Superior Court, Bedrock Realty Trust v. Town of Madison, Nos. 03-E-0061, 0114, 0144, and 05-E-0014, could affect issues in this case. The court notified the parties that if a party believed that an order of this court was inconsistent with a subsequent decision of the superior court in the consolidated state action, that party could file a motion to reconsider within thirty days of the superior court's order entering judgment. On June 29, 2007, the court issued an order on motions that were then pending in this case.

The plaintiff, Samuel J. Bourne, moved for reconsideration of the June 29 order as to his claims of substantive due process and equal protection violations and the court's ruling that the release signed by the parties was valid and enforceable. A month later, Bourne filed notice of the state court's decision in the consolidated action, which issued on August 10, 2007. On

September 10, Bourne filed a supplemental memorandum in support of his motion for reconsideration, based on the state court's decision.

The deadline established in the May 3 order for the parties to file a motion for reconsideration based on a decision in the consolidated action in state court is thirty days after an order entering judgment in that case. Neither party has filed notice that judgment has been entered, and it is not clear whether the August 10 decision in the state court action is a final judgment. Therefore, the court will not address the pending motion for reconsideration until the parties file a joint notice that judgment has been entered in the consolidated state court action and the thirty-day period allowed for filing a motion for reconsideration here has passed.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

September 14, 2007

cc: Catherine M. Costanzo, Esquire
Brian J.S. Cullen, Esquire
Rachel A. Hampe, Esquire
Richard D. Sager, Esquire
Gerald F. Williamson, Esquire